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★ MAY 09 2012 ★

LONG ISLAND OFFICE

MEMORANDUM TO  
THE HONORABLE JOSEPH BIANCO  
UNITED STATES DISTRICT JUDGE

RE: United States v. Derick Phanord  
DOCKET #: 11-CR-254  
FOR SENTENCE: June 15, 2012

DELAY IN PRESENTENCE INVESTIGATION/  
REQUEST FOR INACTIVE TREATMENT OR ADJOURNMENT

On September 27, 2011, the above-named defendant pleaded guilty to numerous robbery-related charges. At that time, a presentence report was ordered.

At present, Assistant U.S. Probation Officer Holly Kaplan has conducted the presentence interview. However, she continues to gather incoming information from Assistant U.S. Attorney Burton Ryan, and additional defendants are being added to the case. It is anticipated that one offense conduct will be written to cover the entire case, as is the usual practice. Mr. Ryan has informed Ms. Kaplan that he will not have complete information on this case available to her for at least several months. The Court was previously advised of a delay in the case via discussions with the substitute courtroom deputy, but at that time, the breadth of the case was unknown to the Probation Department.

In light of this situation, the Probation Department respectfully requests that the Court permit it to place the case in abeyance status, meaning that the case would be inactive for our purposes during that time. The Probation Department will make periodic inquiry of the Government as to the availability of case information. Should the application be granted by the Court, the Department will remove the abeyance designation, and compile the offense conduct information when it is provided by the Government. Of note, it is anticipated that Mr. Ryan will oppose this application, but given the circumstances, the Probation Department views this as a prudent course of action. Defense Counsel Philippe Solanges, Jr. has no opposition to placing the case in abeyance.

In the alternative, it is respectfully requested that the Court grant a considerable adjournment of sentence, as it will not be possible to disclose a completed report in time for the June 2012 sentence date, for the reason noted above.

*Sentencing control date of October 9, 2012,  
at 11:00 a.m.*  
5/9/12

Application approved - Place case in abeyance status

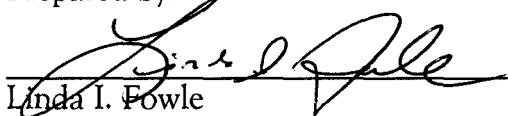
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Application denied - New Sentence Date

RESPECTFULLY SUBMITTED,

EILEEN KELLY  
CHIEF U.S. PROBATION OFFICER

Prepared by:

  
Linda I. Fowle  
Supervising U.S. Probation Officer  
(631) 712-6357

Date: May 4, 2012

cc: Philippe Solanges, Jr., Esq.

Burton Ryan, Assistant U.S. Attorney